SHRIMATI PREMA CARIAPPA: Sir, I would like to know from the hon. Minister as to how many markets are there in Delhi which are facing acute shortage of parking place and how much money you have allocated for the construction of new parking places.

SHRI S. JAIPAL REDDY: Sir, I will not be able to give the number offhand. Sir, if you direct, I will supply the information to the hon. Member. That is a very general question. *(Interruptions)* Basically, there is no resource crunch in regard to construction of parking lots. There is land crunch. There is no resource crunch. We shall see to it that all funds are made available for as many parking lots as can be made.

*204. [The questioner (Shri O.T. Lepcha) was absent For answer *vide* Page 22 *infra*.]

*205. [The questioners (Shri Dara Singh and Shri Ramdas Agarwal) were absent. For answer *vide* page 27 *infra*.]

*206. [The questioner (Shri V. Hanumantha Rao) was absent. For answer *vide* page 28 *infra*.]

Notification on the rights of the forest-dwellers

*207. SHRI MATILAL SARKAR: Will the PRIME MINISTER be pleased to state:

(a) whether Government has notified the provision of rights of the forest-dwellers to the forest land and forest produce in application of the Act thereon;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI S. REGUPATHY): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) to (c) The Ministry of Tribal Affairs has prepared draft Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 for carrying out the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for assigning rights of forest dwellers on forests and forest produce. These draft rules were published in Part II Section 3 Sub-section (i) of the Gazette of India, Extraordinary on 19.6.2007 for inviting comments, objections and suggestions from public within a period of 45 days. The comments/suggestions received from public and stake-holders on the draft rules pre-published on 19.6.2007 have been examined and the notification will take place as soon as all the formalities are completed. However, there is provision of rights of the people including forest dwellers on forests and forest produce in the existing Indian Forest Act, 1927 also.

SHRI MATILAL SARKAR: Sir, my first supplementary is, the execution of the Forest Dwellers Act has already got delayed. The Gazette notification was made on 19.6.2007, as given in the answer. Suggestions and objections had to be received within 45 days. All the necessary time has been consumed. It seems, there is no reason now to make further delay. Sir, I would like the hon. Minister to specifically inform the House as to when and by which time the Act and rules are going to be executed.

SHRI S. REGUPATHY: Hon. Chairman, Sir, there is no delay. But we will have to follow certain formalities. Sir, we will have to identify the critical wildlife habitats and other things.

Now twenty-eight Tiger Parks have already been identified. That project will be completed by the end of December, 2007. Our hon. Prime Minister is very keen and is very interested in implementing the Act very quickly.

SHRI MATILAL SARKAR: Sir, my second supplement is, whether the provisions of SEZ Act will come in conflict with the facilities provided in the Forest Dwellers Act. If so, what steps the Government will take to redesign the SEZ Act to incorporate the provisions of the Forest Dwellers Act?

SHRI S. REGUPATHY: Hon. Chairman, Sir, the Act is for the welfare of the tribals and the bona fide forest dwellers. The salient feature of the Act is that it is applicable to the whole of the country, except the State of Jammu and Kashmir. It is applicable to the reserve forests, protected areas, national park and sanctuaries. Nobody is affected because tribals are bona fide dwellers. They are all in their located place and through this Act, we are giving them only the legal rights. Those tribals who are occupying the places, they will be given legal right through this Act.

SHRIMATI BRINDA KARAT: Thank you, Sir. In the first place, I would like to point out my reservation about the encroachment here by the Ministry of Environment and Forests because the Nodal Ministry to answer questions on the Tribal Act, on the Forest Rights Act, is the Ministry of Tribal Affairs. So, how, is the MOEF trying to answer questions which really should be the affair of the Ministry of Tribal Affairs? You are not the Nodal agency for the Tribal Act. Now, this is exactly my point. What the Minister has answered, I have already raised this during this Session of Parliament that this is a subversion of the will of Parliament. Parliament has passed an Act unanimously. The rules are ready. They have been vetted by the Law Department, they have been vetted by the Law Ministry, and I am on record to say that the Law Minister himself has informed me that the rules have been vetted and have been made. All the formalities have been completed.

MR. CHAIRMAN: Your question please.

SHRIMATI BRINDA KARAT: Sir, this is a subversion of the will of Parliament. How is it that they are trying to give an answer like this? The rules are ready with the Ministry of Tribal Affairs. How is the MOEF trying to say something which is opposite to that? Secondly, as far as the MOEF is concerned, again, I would like to state that the MOEF has no right to implement the aspects of the Critical Wildlife Habitat. This is the only Act which mentions the term 'Critical Wildlife Habitat'. First, the House should be clear on this. Without the notification of the rules, how can one section of the Act be implemented? It is illegal.

MR. CHAIRMAN: What is the question?

SHRIMATI BRINDA KARAT: This is the question, that you are violating the Parliamentary procedure, you are violating the will of Parliament, and therefore, I would like the Minister to answer this question as to whether or not it is illegal and what is the justification for doing so.

MR. CHAIRMAN: Thank you. You have asked your question. Let the hon. Minister reply... *(Interruptions)*...

SHRIMATI BRINDA KARAT: I have asked my question, but I would again like to state that they are subverting it, and what is the answer that he has given? ...*(Interruptions)*...

MR. CHAIRMAN: This is not the forum for it. That is a separate matter.

SHRI S. REGUPATHY: Mr. Chairman, Sir, we don't want to encroach upon any other place. But, it is the collective responsibility, the joint responsibility. The question has been forwarded to us. So, with the consent of the Ministry of Tribal Affairs, we are giving the answer.

SHRIMATI BRINDA KARAT: But, how can you implement it without notification of the rules? ...*(Interruptions)*...

SHRI S. REGUPATHY: Sir, I said that the Prime Minister is very much interested.

MR. CHAIRMAN: Please let the hon. Minister proceed... *(Interruptions)*...

SHRIMATI BRINDA KARAT: My question has not been answered. Why has he not answered my question?...*(Interruptions)*...

MR. CHAIRMAN: The question cannot be answered if you continue distrupting... *(Interruptions)*... Please resume your places and let the hon. Minister answer.

SHRI S. REGUPATHY: Now only, you have raised the question, and now I will have to answer it. How can I know what question you are going to put? How can I answer without knowing the question? You have raised it now, and I am ready to answer your question. The Preamble is the essence of the Act, as you know. In the Preamble, it is clearly stated that the Preamble of the Act includes the responsibility-band authority for sustainable use conservation of biodiversity and maintenance of ecological balance, and thereby strengthening conservation regime of forest, while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers. The harmonisation of the provisions of the Act and the rules with the environmental conservation and ecological balance has to be ensured before the Act and the rules are notified for operation. That is the preamble. That is the essence. So, we will have to identify these things. ... *(Interruptions)*...

MR. CHAIRMAN: That is the end of the supplementary. Please allow other questions to proceed... *(Interruptions)*...

SHRIMATI BRINDA KARAT: How can they implement the Act without notification of the rules?... *(Interruptions)*... They cannot implement the Act without notification of the rules... *(Interruptions)*...

MR. CHAIRMAN: Could you please resume your places? ... *(Interruptions)*...

SHRIMATI BRINDA KARAT: Sir, we can't implement the Act without notification of the rules. ... *(Interruptions)*...

MR. CHAIRMAN: Please resume your places. ... *(Interruptions)*...

SHRIMATI BRINDA KARAT: Please understand it, Sir. ... *(Interruptions)*...

MR. CHAIRMAN: Please resume your places and allow me to proceed. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: Sir, I request you that this is an issue. How can we implement an Act without the rules? ...(*Interruptions*)... It can't be done. ...(*Interruptions*)...

MR. CHAIRMAN: That is a separate matter. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, how can you do this? ...(*Interruptions*)...

MR. CHAIRMAN: No, This is a separate matter. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: No. This is not a separate matter, Sir. ...(*Interruptions*)...

MR. CHAIRMAN: The admitted question has been answered. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir this is not separate. you can't implement an Act without notification of the rules. ...(*Interruptions*)...

MR. CHAIRMAN: You ask a question separately and it will be answered specifically. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: This is the question. ...(*Interruptions*)...

MR. CHAIRMAN: But this is not part of the main question. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, this is part of the question. ...(*Interruptions*)... What is this? ...(*Interruptions*)... Sir, they can't do this. ...(*Interruptions*)...

MR. CHAIRMAN: The question. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, this is the question. ...(*Interruptions*)... We can't implement the Act without notification of the rules. ...(*Interruptions*)...

MR. CHAIRMAN: No, please. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: He has not answered it. ...(*Interruptions*)...

MR. CHAIRMAN: Please. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, he has not answered the question. ...(*Interruptions*)...

MR. CHAIRMAN: Please read the question. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, he has not answered the question. ...(*Interruptions*)...

MR. CHAIRMAN: Please read the question. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: He is bringing the Prime Minister into it. ...(*Interruptions*)... Why should he bring the Prime Minister into it? ...(*Interruptions*)...

MR. CHAIRMAN: Please read the question. ...(*Interruptions*)... You read the question and ask a supplementary pertaining to it. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, you can't implement an Act without notification of the rules. ...(*Interruptions*)...

SHRI V. NARAYANASAMY: Sir, we have to ask supplementaries from outside. ...(*Interruptions*)...

MR. CHAIRMAN: Please, just a minute. ...(*Interruptions*)... Mr. Narayanasamy, please ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, we can't implement an Act without notification of the rules. ...(*Interruptions*)...

SHRI A. VIJAYARAGHAVAN: Sir, it is a matter relating to the Tribals. ...(*Interruptions*)... Let the Minister give a categorical reply. ...(*Interruptions*)...

MR. CHAIRMAN: This is not the time. ...(*Interruptions*)..

SHRI A. VIJAYARAGHAVAN: At least, that assurance should be given by the Minister. ...(*Interruptions*)...

SHRI V. NARAYANASAMY: Sir, just now the hon. Minister has said. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: You can't do it. This is the only Act which mentions this term. ...(*Interruptions*)... How can you implement an Act without rules? ...(*Interruptions*)...

MR. CHAIRMAN: Please. That is a separate matter. ...(*Interruptions*)... Please raise it separately. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: This is not a separate matter. ...(*Interruptions*)...

MR. CHAIRMAN: This is a separate matter. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, this is not a separate matter. ...(*Interruptions*)...

MR. CHAIRMAN: This is a specific question which has been answered. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: The specific question has not been answered. ...(*Interruptions*)... How can you implement an Act without rules? ...(*Interruptions*)...

MR. CHAIRMAN: You raised that point. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, he has not answered the question. ...(*Interruptions*)... He has not answered the question. ...(*Interruptions*)...

MR. CHAIRMAN: Please don't do this. ...(*Interruptions*)... You are disrupting the proceedings of this House. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, I am not disrupting the House. ...(*Interruptions*)... He is disrupting, Sir. ...(*Interruptions*)...How can you do this? ...(*Interruptions*)...

MR. CHAIRMAN: Will you please sit? ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, you can't implement an Act without rules. ...(*Interruptions*)...

MR. CHAIRMAN: Please. I would request the hon. Members, if they are not satisfied with the answer given, to raise it through appropriate modalities. But this was a specific question on which a supplementary has been asked. There are other who are wishing to ask supplementaries. So, please allow them and don't deny them their rights. ...(*Interruptions*)...

श्री शाहिद सिद्दिकी: कितने नोटिस देंगे हम। ...(व्यवधान)... सरकार सवाल का जवाब नहीं देती है। ... (व्यवधान)...

†**شری شاہد صدیقی** : کتنے نوٹس دیں گے ہم ۔مداخلت۔ سرکار سوال کا جواب نہیں دیتی ہے ۔مداخلت۔

SHRIMATI BRINDA KARAT: How can you implement an Act without rules? ...(*Interruptions*)... Let him answer that question. ...(*Interruptions*)...

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†[Transliteration in Urdu Script]

SHRI A. VIJAYARAGHAVAN: The Government has not given a reply. ...(*Interruptions*)... Let the hon. Minister give a categorical reply. ...(*Interruptions*)...

MR. CHAIRMAN: Please allow the supplementaries to proceed. ...(*Interruptions*)...

SHRI A. VIJAYARAGHAVAN: Let the hon. Minister give a categorical reply. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, can an Act be implemented without rules? ...(*Interruptions*)... Let him answer that question. ...(*Interruptions*)...

MR. CHAIRMAN: That is a separate question, hon. Member. ...(*Interruptions*)...

SHRI A. VIJAYARAGHAVAN: When will the rules be placed on the Table of the House? ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, on the Tribals, why is the Government subverting the will of the Parliament? ...(*Interruptions*)...

SHRI A. VIJAYARAGHAVAN: They are cheating the Tribals. ...(*Interruptions*)...

MR. CHAIRMAN: Let the Minister clarify the position, please. ...(*Interruptions*)...

SHRI S. REGUPATHY: Sir, we are very much interested in the Tribals and the Tribal Act. Why should we delay it? There is no necessity for us to delay it. But, at the same time, we have to follow certain formalities. We will have to resettle the persons who have lived in the wildlife habitats. You know that they are in the wildlife habitats. They have to be shifted to some other place. ...(*Interruptions*)...

MR. CHAIRMAN: Will you please let one speaker finish? ...(*Interruptions*)...

SHRI S. REGUPATHY: First we have to identify them. Only then. ...(*Interruptions*)...

MR. CHAIRMAN: Will you please let the Minister reply? ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, we are totally dissatisfied with the answer and we walk out on this issue. ...(*Interruptions*)...We are not satisfied with the answer. ...(*Interruptions*)...

(At this stage some hon. Members left the Chamber.)

SHRI V. NARAYANASAMY: Mr. Chairman, Sir, the hon. Minister has stated that the Government issued notification of the draft rules on 19.6.2007. Now after complying with all the formalities, it would be notified. In the meanwhile, what is happening is this. In States like Madhya Pradesh, before issuing notification of rules, some of the District Administration officials and the State Government officials are trying to uproot the Tribals in order to take that land and deny the Tribals the right to occupy the land on which they have been living for several years. These kinds of complaints are coming. Let the Minister give a specific time-frame. There is certain procedure of 45 days which has to be followed. Let the hon. Minister give a specific time-frame in which the rules will be notified.

SHRI S. REGUPATHY: Sir, already critical habitat in 28 National Tiger reserves have been identified. The project will be completed by the end of December, 2007. There are more than 600 wildlife habitats. Still, we will take steps to notify it at the earliest.

SHRI ABANI ROY: Sir, the Prime Minister is sitting here. The Tribals are waiting at the Jantar Mantar. The Tribals have come here from Assam and other parts of the country. Sir, this is a burning issue. Till now, rules and other things have not been framed. Everyday, the

officials of the Forest Department are evicting the Tribals. Who is responsible for that? Who will reply to it? Who will make the rules and get them implemented? Why is it happening to the Tribals only? Why should the Tribal people wait for it for so long? Who is responsible for it? Is the Ministry of Environment responsible for it? Or, is the Ministry of Tribal Affairs responsible for it? I am putting this question to the Prime Minister. Someone should reply to it in a positive way so that we can tell the Tribals that this is the position and that the Government is doing this thing. Evictions and burnings are taking place everyday. You want to do all kind of activities, mining, etc. ...*(Interruptions)*...

MR. CHAIRMAN: Question, please.

SHRI ABANI ROY: Inspite of so many. ...(*Interruptions*)...

MR. CHAIRMAN: Let him put the question. ...(*Interruptions*)...

SHRI ABANI ROY: The rules should be framed immediately.

SHRI S. REGUPATHY: Mr. Chairman, Sir, no Tribals have been evicted by the Forest Department. They might have been evicted because of the illegal activity there. If the hon. Member brings it to my notice, definitely, we will take action. If the Tribals have been evicted anywhere, you bring it to my notice. I will certainly take care of it. Ther is no harm if they live there and occupy the land. They are enjoying all the rights. Through this Act, they will get the legal rights.

*208. [The questioner (Shri P.R. Rajan) was absent. For answer *vide* page... *infra*.]

Sports facility at the banks of Yamuna

*209. SHRI SANTOSH BAGRODIA:††
MS. MABEL REBELLO:

Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government is aware of the opposition by environment groups to the setting up of sports facility for the Commonwealth Games on the banks of rive Yamuna;

(b) if so, the whether Government has taken initiative to engage such groups, the Local Government, its agencies and the expert groups to make an appraisal of these objections;

(c) whether Government has found the apprehensions raised by the environment groups valid, if so, the details thereof; and

(d) whether Government is considering to shift the proposed facility to an alternative site?

THE MINISTER OF URBAN DEVELOPMENT (SHRI S. JAIPAL REDDY): (a) to (d) A Statement is laid on the Table of the Sabha.

Statement

(a) Yes, Sir.

(b) Yes, Sir.

(c) and (d) The site was chosen by the Government in 2003. The DDA thereafter took a number of necessary steps including moving the Ministry of Environment & Forests (MoEF). MoEF conveyed the environmental clearance *vide* letters dated 14.12.2006, 22.1.2007, 29.3.2007 and 23.4.2007. As the Government has not found the apprehensions to be valid, no proposal for shifting the facility to an alternative site is under consideration.

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††The question was actually asked on the floor of the House by Shri Satosh Bagrodia.